Original

P-12

1910-11.

FILE No. 49 OF 1910-11.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE SECRETARIAT.

JUDICIAL AND LEGISLATIVE (PRISONS).

JULY 1911.

"A" Collection: Serial Nos. 1—5.

Government of India Resolution re *the procedure to be adopted in connection with the release from British Jails of prisoners belonging to Native States who are released subject to Police surveillance.*

TABLE OF CONTENTS.

Serial No. of File	Number and date of letter and contents	Reference	Page in A. Progs.
1	No. 771, dated 10th February 1911, from the First Assistant Resident. Forwards copy of a letter from the Government of India, Home Department, regarding the subject noted above.	Jud. File No. 30—1892.	1—4
2	No. 1744, dated 21st March 1911, from the First Assistant Resident. Forwards copy of a letter from the Government of Madras, Judicial Department, making certain suggestions.		4—7
3	No. J. 3068, dated 9th May 1911, to the Inspector-General of Police. Calls for his opinion in the matter.		7
4	No. 7452—715, dated 24th June 1911, from the Inspector-General of Police. Furnishes the opinion called for.		7
5	No. Pol. 78, dated 19th July 1911, to the First Assistant Resident. States that there is no objection to the adoption of the procedure suggested by the Madras Government in regard to prisoners belonging to the Mysore State and released from jails in the Madras Presidency and that the City Magistrate of Bangalore is the officer before whom such prisoners are to be produced.		8

GENERAL AND REVENUE SECRETARIAT.

PRISONS.)

NOTES.

FILE No. 49 OF 1910.

Government of India Resolution *re* the procedure to be adopted in connection with the release from British Jails of prisoners belonging to Native States who are released subject to Police surveillance.

Letter No. 771, dated 10th February 1911, from the First Assistant to the Resident.

Forwards for information a copy of letter No. 390—399, dated the 2nd December 1910, from the Deputy Secretary to the Government of India, Home Department (Jails), to all Local Governments and Administrations in the above matter.

1. Submitted for information.

2. It is not clear whether any action has to be taken on this at present. The fact that it is addressed only to Local Governments of British India and the Chief Commissioner of Coorg and not to the Resident shows that the Resolution is only for the guidance of such Local Governments. Whatever assistance, information or co-operation that may be required of the Durbar under para 4 of the Resolution will have to be sought for by the Residency in every case from time to time.

C. N.
25-2-11.

S. N.

3. Please let me see a copy of the bond (if available) taken from released life-convicts—and we got some recently (any other references).

S. HIRIYANNAIYA.
25-2-11.

4. The form of release of life-convicts of the State from Port Blair is contained in the Collections put up herewith.

Prisons 49—1909.
Prisons 59—1909.
Prisons 36—1909.

5. The agreements signed by the convicts are not available here.

6. File containing Proceedings of the Governor-General of India dated 16th November 1881, conveying certain instructions in regard to the release of life-convicts from Port Blair is also put up.

J. F. 30 of 1892.

C. N.
4-3-11.

S. N.
6-3-11.

7. No action appears to be called for on our part. Hitherto we have been giving effect to the directions of the Government of India by subjecting the released convicts to surveillance and defining the limits within which they should reside. But whether our action in doing so is completely covered by legal authority is open to some doubt though the convict in each case has given a bond to the Government of India that he shall submit himself to the directions of this Government in the matter of his residence, movement, etc. This consent is probably sufficient to justify our action.

8. It will be seen that so far the convicts sent to Mysore have been released under Section 401 of the Criminal Procedure Code which authorises the imposition of conditions. It is perhaps best to let matters alone as they are.

There is nothing in the Prisons Act, throwing light on the matter.

S. HIRIYANNAIYA.
7-3-11.

9. Yes.

10. But what about our own prisoners who earn remission. Are they released unconditionally or subjected to Police surveillance.

C. S. BALASUNDARAM IYER.
10-3-11.

11. Life-term prisoners of the State who earn remissions under the Mark Rules and the Ticket-of-leave Rules are released under the conditions set-forth in the Ticket-of-leave signed (or attested by a mark) by the prisoner concerned. Please see page 134 of the Jail Manual for such conditions. A specimen * of the Government Order sanctioning the release is to be found in the collection put up.

The Mark Rules apply to all prisoners alike and whenever they are released before the period of the expiry of the sentence passed on them they are subject to certain conditions, *viz.*, that they should report themselves to the Superintendent of Police periodically, that they should take permission to leave their places, etc.
*Prisons 31-09-2

2. From the First Assistant to the Hon'ble the Resident in Mysore, No. 1744, dated 21st March 1911.

Forwards a copy of letter No. 258, dated 8th February 1911, from the Government of Madras, indicating the procedure to be adopted in regard to the release from jails in the Presidency of prisoners of Native States other than "life-convicts" under Police escort, and requests that if the suggestions of the Madras Government meet with the approval of the Durbar, information may be furnished as to the officer in Mysore before whom such prisoner should be produced

12. Submitted for orders. Paras 2 and 3 of the letter from the Madras Government fully indicate the procedure proposed to be adopted and it is stated in para 4 that the wishes of the Durbar will be ascertained in every case before sending the prisoner to the State.

13. The officer before whom such prisoners should be produced is required to be named. In regard to "life-convicts" released from the Andamans the procedure now being followed is that the prisoners are under police escort sent to this office and they are thereafter sent to the District Magistrate of Bangalore who will take charge of them pending orders of Government.

C. N.
27-3-11.
S. N.
27-3-11.

14. I think our rules are all right. Section 54 of our Act contains a clause empowering the Government to frame rules "for remission of sentences." Such a provision does not find a place in the British Indian Prisons Act, which was re-enacted in 1894. There the Government can make rules only for (1) "the award of marks and the shortening of sentences," and (2) "for rewards for good conduct." But there is no clause authorising the framing of rules for *remission* of sentences. Consequently the Government of India cannot impose conditions when releasing prisoners before their time in pursuance of rules issued under the Prisons Act.

15. But as our Act expressly authorises the remission of sentences by rules made on that behalf, there seems to be no objection to impose conditions on released convicts. [This is of course, irrespective of the provisions of Section 401 of the Criminal Procedure Code.]

S. HIRIYANNAIYA.
4-4-11.

16. Seen. Thanks.

So far as the present reference from the Residency is concerned, it seems necessary to consult the Inspector-General of Police whether he has any objection to undertake the surveillance of released convicts and the duty to report their leaving Mysore to the nearest Madras Police Station as stated in para 4 of the Government of India Circular.

17. The officer before whom the convicts are to be produced before release may be the District Magistrate of Bangalore or the City Magistrate, Bangalore. The latter is preferable as he is a stationary officer.

18. Please put up a draft to Inspector-General of Police on the lines indicated and submit to First Councillor.

C. S. BALASUNDARAM IYER.
25-4-11.

19. Draft letter to the Inspector-General of Police is put up.

C. N.
25-4-11.
S. N.

S. HIRIYANNAIYA.
1-5-11.

20. Approved.

K. P. PUTTANNA CHETTY.
5-5-11.

21. Issue.

C. S. BALASUNDARAM IYER.
5-5-11.

3. To the Inspector-General of Police, No. J. 3068, dated 9th May 1911.

Enquires whether there is any objection to the Mysore Police undertaking the surveillance of convicts released as stated in Sl. No. 1 and of reporting their departure from Mysore to the nearest Madras Police Station.

4. From the Inspector-General of Police in Mysore, No. 7452—715, dated 24th June 1911.

States that there is no objection to the Mysore Police undertaking the surveillance of the convicts released from British Indian Jails and to furnish the Madras Police with information regarding the whereabouts of such convicts in case of their leaving the Mysore territory: recommends that the arrangements proposed by the Madras Government may be adopted.

22. Draft reply to Residency accepting the proposals made by the Madras Government and stating that the officer in Mysore to whom the released convicts may be handed over is the City Magistrate of Bangalore, is put up.

C. N.
30-6-11.

S. N.

23. Draft may be approved.

S. HIRIYANNAIYA.
30-6-11.

24. May be approved.

C. S. BALASUNDARAM IYER.
9-7-11.

25. Separate orders should issue to the Police and the City Magistrate regarding the arrangement now agreed to. The Inspector-General says that the disappearance of the convict or his departure would be reported to the nearest Madras Police Station. Should this not be mentioned in the draft reply ?

K. P. PUTTANA CHETTY.
10-7-11.

26. Draft approved by Dewan.

T. GOVINDA RAO.
15-7-11.

27. Issue.

C. S. BALASUNDARAM IYER.
17-7-11.

5. To the First Assistant Resident, No. Pol. 78, dated 19th July 1911.

States that the Durbar have no objection to the procedure suggested by the Madras Government (Sl. 2 *supra*) and that the officer before whom prisoners of the State released from Madras Jails are to be produced is the City Magistrate of Bangalore.

To the District Magistrate, Bangalore, and Inspector-General of Police, No. J. 342, dated 24th July 1911, and J. 343, dated 24th July 1911.

Forwards a copy of the foregoing.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Government of India Resolution *re* the procedure to be adopted in connection with the release from British Jails of prisoners belonging to Native States who are released subject to Police surveillance.

FILE No. 49 OF 1909-10.

Endorsement No. 771, dated the 10th February 1911, from P. B. Warburton, Esq., First Assistant Resident in Mysore.

A copy of the marginaly noted letter and of its enclosure is forwarded herewith to the Government of His Highness the Maharaja of Mysore, for information. **Serial No. 1.**

Letter No. 390—399, dated the 2nd December 1910, from the Deputy Secretary to the Government of India, Home Department (Jails), to all Local Governments and Administrations.

ENCLOSURE.

No. 390—399.

FROM

H. G. STOKES, ESQ.,

Deputy Secretary to the Government of India.

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADARS, JUDICIAL DEPARTMENT

,, SECRETARY TO THE GOVERNMENT OF BOMBAY, JUDICIAL DEPARTMENT.

,, SECRETARY TO THE GOVERNMENT OF BENGAL, JUDICIAL DEPARTMENT.

,, SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES, JUDICIAL (CRIMINAL) DEPARTMENT.

,, SECRETARY TO THE GOVERNMENT OF THE PUNJAB, HOME (JAILS) DEPARTMENT.

,, SECRETARY TO THE GOVERNMENT OF BURMA, JUDICIAL DEPARTMENT.

,, SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM. GENERAL (JAILS) DEPARTMENT.

,, HONOURABLE THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES.

,, CHIEF COMMISSIONER OF COORG.

,, HONOURABLE THE AGENT TO THE GOVERNOR-GENERAL AND CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

Home Department (Jails)

Calcutta, the 2nd December 1910.

SIR,

I am directed to refer to the correspondence ending with your letter / the Home Department endorsement† No. dated , regarding the procedure to be followed in connection with the release from British Jails of prisoners belonging to Native States who are released subject to Police surveillance.

Madras, No. 1069, dated 11th June 1907.
Bombay, No. 5304, dated 24th September 1907.
Bengal, No. 1152—J. D., dated 8th June 1907.
† United Provinces, Home Department endorsement No. 88, dated 30th April 1907.
Punjab, No. 275—S., dated 31st May 1907.
Burma, No. 56—16-J.-53, dated 3rd September 1907.
Eastern Bengal and Assam, No. 3025—J., dated 16th July 1907.
Central Provinces, No. 1339-V.-31—10, dated 14th August 1907.
Coorg, No. 939, dated 3rd June 1907.
North-West Frontier Province, No. 1213-G., dated 15th May 1907.

Government of India Resolution *re* the procedure to be adopted in connection with the release from British Jails of prisoners belonging to Native States who are released subject to Police surveillance.

2. The rules regulating the earning of remission of sentence by prisoners, which were published with the Home Department Resolution No. $\frac{12\text{-Jails}}{50\text{J}-10}$, dated the 31st August 1896, contained a provision that the period of remission earned by certain classes of prisoners should be passed under such Police surveillance as the Local Government may prescribe. This provision was omitted from the revised rules published with the Home Department Resolution Nos. 161—172, dated the 25th June 1908, but to these rules a footnote containing instructions in the same sense was appended. It is understood that rules have been prescribed by some Local Governments containing instructions as to the manner in which surveillance shall in such cases be carried out by the police and imposing conditions to which the released convict is to be subjected. I am now to state for the information of $\frac{\text{the Governor in Council}}{\text{His Honour the Lieutenant-Governor}}$ / $\frac{\text{your information}}{}$ that the Government of India are advised that the Prisons Act, 1894 (IX of 1894), in virtue of which the Remission Rules above alluded to were framed does not authorise the imposition by means of rules framed under it, of conditions subject to which the period of sentence remitted shall be passed, and to request that any rules or instructions with this object which may have been issued by the Government of $\frac{\text{Madras}}{\text{Bombay, etc.}}$ / $\frac{\text{you}}{}$ may be revised accordingly.

3. The only sanction which can legalise the imposition such conditions is an order passed by the Local Government under Section 401 of the Code of Criminal Procedure. In this connection I am to invite attention to the Home Department Resolution Nos. 234—45, dated the 12th July 1910, by which rule 20 (and the note appended to it) of the Remission Rules was modified. The effect of rule 20 of the Remission Rules as now revised will be that the cases of all "life-convicts" as defined in the Rules will be submitted to the Local Government when the termination of the prisoner's sentence, as reduced by the grant of remission approaches, for orders under Section 401, Criminal Procedure Code, as to whether, and, if so, what, conditions shall be imposed to be observed during the period of remission granted. If conditions are imposed, they will be enforceable by virtue of the provisions of Section 401, Criminal Procedure Code. In so far as concerns "life-convicts" belonging to Native States who are released conditionally under Section 401 of the Code of Criminal Procedure, all that appears to the Government of India to be required in order to secure that they shall return to and remain in their native place during the period of remission earned is that conditions shall be imposed similar to those adopted in the case of convicts conditionally released from the Andamans. I am to enclose a form in which the necessary alterations have been made and to suggest that, if $\frac{\text{the Governor in Council}}{\text{the Lieutenant-Governor}}$ / $\frac{\text{you}}{}$ see (s) no objection, it may be adopted with such further changes as may be desirable.

4. In the case of convicts not being "life-convicts" as defined in rule 2 (*f*) of the Remission Rules, whose cases are not ordinarily to be referred to the Local Government before release, it will not be possible, in the absence of an order under Section 401, Criminal Procedure Code, to subject them to police surveillance of a kind which requires the observance on their part of conditions, whether voluntary or involuntary. In such cases, however, it may be possible to ensure that the men actually proceed to the Native States to which they belong by arranging to send them under escort to be released by the Political Officer or other suitable authority therein, their arrival being so timed as to coincide with, or not be later than, the due date of release. I am to express a hope that some arrangement of this sort will be made whenever practicable. It is further desirable that convicts thus released in Native States should be kept in view by the police, and, with this object, the Government of India, though they do not wish to press Native States to adopt a uniform system of surveillance, are disposed to suggest that in all cases in which a convict belonging to a Native State is sent back to it with a view to release in the manner described, Local Governments should request the Political Officer to move the authorities of the State to give the earliest posssible intimation (*i*) when the Native State does not march with British India, to the Political Officer, and (*ii*) when the Native State does march with British India, to the nearest police station in British India or to the Superintendent of Police of the nearest British Indian district, of the fact that the prisoner has been lost sight of in that State or has actually left it for some known destination. This will enable the police in British India to make inquiries as to his whereabouts and to keep watch over his movements, if necessary.

Government of India Resolution *re* the procedure to be adopted in connection with the release from British Jails of prisoners belonging to Native States who are released subject to Police surveillance.

5. It has been suggested by the Agent to the Governor-General in Central India that preliminary inquiry should in every case be made with a view to ascertaining whether the Durbar has any objection to the released prisoner residing within the State. The Government of India accept this suggestion, and desire that in all cases, when it is intended to transfer a Native State prisoner, on release, whether with or without conditions, to the State to which he belongs, the wishes of the Durbar concerned should be consulted through the Political Officer for the State in sufficient time to enable the matter to be settled before the date on which the prisoner's release falls due. Should the Native State, under the powers which Durbars possess of expelling any person from their territories, decline to permit the convict to return to the State, it would of course be necessary in the case of persons released conditionally under Section 401, Criminal Procedure Code, to modify the condition suggested above, and in the case of unconditionally released prisoners, to dispense with the Durbars' co-operation in keeping him under surveillance.

I have the honour to be,
Sir,
Your most obedient servant,
H. G. STOKES,
Deputy Secretary to the Government of India.

No. 400.

Copy forwarded to the Foreign Department with reference to the correspondence ending with its endorsement No. 4152—I.C., dated the 26th October 1907.

By Order,
H. G. STOKES,
Deputy Secretary to the Government of India.

FORM OF CONDITIONAL RELEASE.

In Exercise of the power conferred by Section 401 of the Code of Criminal Procedure, 1898, the_____ is pleased hereby to remit, subject to the conditions hereafter set forth, the remainder of the punishment awarded to— _____
son of— _____
and a convict in the Jail_____, at present undergoing a sentence of_____.

The conditions are these:—

1. That the said_____
will proceed under police escort, if required to_____on the border of the _____ State, or to the court of the Political Officer of the_____ State and will not re-enter British Indian territory without the written permission of_____.

By order of the _____

Dated the *19*

*Secretary to the*_____

Government of India Resolution *re* the procedure to be adopted in connection with the release from British Jails of prisoners belonging to Native States who are released subject to Police surveillance.

I HEREBY accept and agree to abide by the above conditions; and I acknowledge that should I fail to fulfil those conditions, or any portion of them, the_____ may cancel the remission of my punishment, whereupon I may be arrested by any Police officer without warrant and remanded to undergo the unexpired portion of my original sentence.

Prisoner.

*Dated the*_____19

CERTIFIED that the foregoing conditions were read over to the prisoner_____ and accepted by him under Section 401 of the Code of Criminal Procedure in my presence.

Witness

Superintendent.

*Dated the*_____19

Letter No. 1744, dated 21st March 1911, from P. B. Warburton, Esq., I.C.S., *First Assistant to the Resident in Mysore.*

Serial No. 2.

In continuation of my endorsement No. 771, dated the 10th February 1911, regarding the procedure to be adopted in the case of prisoners belonging to Native States who are released from jails in British India, subject to police surveillance, I am directed to forward herewith, for the information of the Durbar, a copy of a letter No. 258, dated the 8th February 1911, from the Government of Madras in the Judicial Department, on the subject, and to state that the Resident will be glad if the Durbar will kindly co-operate with the Madras authorities in carrying out the procedure proposed.

2. If the suggestions of the Madras Government meet with the approval of the Durbar I am to request that information may be furnished as to the officer in Mysore before whom prisoners despatched from Madras should be produced for their release.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

No. 258.

From

THE HON'BLE MR. A. G. CARDEW, C.S.I.,
Ag. Chief Secretary to the Government of Madras,
Judicial Department.

To

THE HON'BLE THE RESIDENT IN MYSORE.

Dated Fort St. George, the 8th February 1911.

Sir,

I am directed to address you with reference to the procedure which it is proposed to adopt in the case of prisoners belonging to the Mysore State who are released from jails in this Presidency subject to police surveillance.

Government of India Resolution *re* the procedure to be adopted in connection with the release from British Jails of prisoners belonging to Native States who are released subject to Police surveillance.

2. In their letter No. 390, dated the 2nd December 1910 (copy enclosed), the Government of India have proposed the adoption, in the case of "life-convicts" belonging to Native States, of a form of conditional release which provides for their being despatched under police escort to the States to which they belong. I am to say that His Excellency in Council has decided to adopt this form and further that in the case of convicts other than "life convicts," on whom conditions cannot be imposed, the Madras Government desire to adopt the arrangement proposed by the Government of India whereby such convicts will be despatched to the States to which they belong for release by the Political Officer or other suitable authority. I am directed to enquire before which officer in Mysore prisoners so despatched should be produced for their release.

3. The Government of India have, in paragraph 4 of their letter, further desired that arrangements should be made with the Durbars concerned to ensure that information is furnished to British Indian officials of the departure or disappearance of ex-convicts so released from British Jails from the State in which they may be residing after release. I am to request you to be so good as to invite the co-operation of the Mysore Durbar in this matter.

4. I am to add that instructions have been issued to the Inspector-General of Prisons, Madras, on the lines indicated in paragraph 5 of the Government of India letter and to say that the wishes of the Mysore Durbar will be ascertained in all cases before taking action in regard to the transfer of a convict to that State under the arrangement proposed.

I have the honour to be,
Sir,
Your most obedient servant,
A. G. CARDEW,
Ag. Chief Secretary

ANNEXURE.

Letter—from H. G. STOKES, Esq., Deputy Secretary to the Government of India, Home Department (Jails).

To—the Chief Secretary to the Government of Madras.

Dated—Calcutta, the 2nd December 1910.

No.—390.

I am directed to refer to the correspondence ending with your letter No. 1069, dated 11th June 1907, regarding the procedure to be followed in connection with the release from British Jails of prisoners belonging to Native States who are released subject to police surveillance.

2. The rules regulating the earning of remission of sentence by prisoners, which were published with the Home Department Resolution No. $\frac{\text{12-Jails}}{500-10}$ dated the 31st August 1896, contained a provision that the period of remission earned by certain classes of prisoners should be passed under such police surveillance as the Local Government may prescribe. The provision was omitted from the revised rules published with the Home Department Resolution Nos. 161—172, dated the 25th June 1908, but to these rules a footnote containing instructions in the same sense was appended. It is understood that rules have been prescribed by some Local Governments containing instructions as to the manner in which surveillance shall in such cases be carried out by the police and imposing conditions to which the released convict is to be subjected. I am now to state for the information of the Governor in Council that the Government of India are advised that the Prisons Act, 1894, (IX of 1894), in virtue of which the Remission Rules above alluded to were framed does not authorise the imposition, by means of rules framed under it, of conditions subject to which the period of sentence remitted shall be passed, and to request that any rules or instructions with this object which may have been issued by the Government of Madras may be revised accordingly.

3. The only sanction which can legalise the imposition of such conditions is an order passed by the Local Government under Section 401 of the Code of Criminal Procedure. In this connection I am to invite attention to the Home Department Resolution Nos. 234—45, dated the 12th July 1910, by which rule 20 (and the note appended to it) of the Remission

Government of India Resolution *re* the procedure to be adopted in connection with the release from British Jails of prisoners belonging to Native States who are released subject to Police surveillance.

Rules was modified. The effect of rule 20 of the Remission Rules as now revised will be that the cases of all "life-convicts" as defined in the Rules will be submitted to the Local Government when the termination of the prisoner's sentence, as reduced by the grant of remission approaches for orders under Section 401, Criminal Procedure Code, as to whether, and if so, what, condition shall be imposed to be observed during the period of remission granted. If conditions are imposed, they will be enforceable by virtue of the provisions of Section 401, Criminal Procedure Code. In so far as concerns "life-convicts" belonging to Native States who are released conditionally under Section 401 of the Code of Criminal Procedure, all that appears to the Government of India to be required in order to secure that they shall return to and remain in their native place during the period of remission earned is that conditions shall be imposed similar to those adopted in the case of convicts conditionally released from the Andamans. I am to enclose a form in which the necessary alterations have been made and to suggest that, if the Governor in Council sees no objection, it may be adopted with such further changes as may be desirable.

4. In the case of convicts not being "life-convicts" as defined in rule 2 (*f*) of the Remisssion Rules, whose cases are not ordinarily to be referred to the Local Government before release, it will not be possible, in the absence of an order under Section 401, Criminal Procedure Code, to subject them to police surveillance, of a kind which requires the observance on their part of conditions, whether voluntary or involuntary. In such cases, however, it may be possible to ensure that the men actually proceed to the Native States to which they belong by arranging to send them under escort to be released be the Political Officer or other suitable authority therein, their arrival being so timed as to coincide with or not be later than, the due date of release. I am to express a hope that some arrangement, of this sort will be made whenever practicable. It is further desirable that convicts thus released in Native States should be kept in view by the police, and with this object, the Government of India, though they do not wish to press Native States to adopt a uniform system of surveillance, are disposed to suggest that in all cases in which a convict belonging to a Native State is sent back to it with a view to release in the manner described, Local Governments should request the Political Officer to move the authorities of the State to give the earliest possible intimation (i) when the Native State does not march with British India, to the Political Officer, and (ii) when the Native State does march with British India, to the nearest police station in British India or to the Superintendent of Police of the nearest British Indian district, of the fact that the prisoner has been lost sight of in that State or has actually left it for some known destination. This will enable the police in British India to make inquiries as to his whereabouts and to keep watch over his movements, if necessary.

5. It has been suggested by the Agent to the Governor-General in Central India, that preliminary inquiry should in every case be made with a view to ascertaining whether the Durbar has any objection to the released prisoner residing within the State. The Government of India accept his suggestion, and desire that in all cases, when it is intended to transfer a Native State prisoner, on release, whether with or without conditions, to the State to which he belongs, the wishes of the Durbar concerned should be consulted through the Political Officer for the State in sufficient time to enable the matter to be settled before the date on which the prisoner's release falls due. Should the Native State, under the powers which Durbar posssess of expelling any person from their territories, decline to permit the convict to return to the State, it would of course be necessary in the case of persons released conditionally under Section 401, Criminal Procedure Code, to modify the condition suggested above, and in the case of unconditionally released prisoners, to dispense with the Durbars' co-operation in keeping him under surveillance.

ENCLOSURE

Form of Conditional Release.

In exercise of the power conferred by Section 401 of the Code of Criminal Procedure, 1898, the _____ is pleased hereby to remit, subject to the conditions hereafter set forth, the remainder of the punishment awarded to _____

son of _____

and a convict in the Jail _____, at present undergoing a sentence of _____.

Government of India Resolution *re* the procedure to be adopted in connection with the release from British Jails of prisoners belonging to Native States who are released subject to Police surveillance.

The conditions are these:—

1. That the said_____ will proceed under police escort, if required to_____on the border of the _____ State, or to the court of the Political Officer of the_____ State and will not re-enter British Indian territory without the written permission of_____

By order of the _____

Dated the *191*

*Secretary to the*_____

I HEREBY accept and agree to abide by the above conditions; and I acknowledge that should I fail to fulfil those conditions, or any portion of them, the_____ _____may cancel the remission of my punishment, whereupon I may be arrested by any Police officer without warrant and remanded to undergo the unexpired portion of my original sentence.

*Dated the*_____191 *Prisoner.*

CERTIFIED that the foregoing conditions were read over to the prisoner_____ _____ and accepted by him under Section 401 of the Code of Criminal Procedure in my presence.

Witness

*Dated the*_____191 *Superintendent.*

Letter No. J. 3068, from C. S. Balasundaram Iyer, Esq., B.A., Secretary to Government, General and Revenue Departments, to D. Devaraj Urs, Esq., Inspector General of Police in Mysore.

Serial No. 3.

I am directed to forward herewith a copy of a letter No. 258, dated 8th February 1911, from the Government of Madras to the Hon'ble the Resident in Mysore, regarding the procedure to be adopted in the case of prisoners belonging to the Mysore State released from jails in the Madras Presidency; and in inviting your attention to para 4 of the Government of India Resolution annexed to the Madras Government letter above referrd to, I am to request you to be so good as to report for the information of Government if there is any objection to the Mysore Police undertaking the surveillance of convicts thus released and the duty of reporting their departure from Mysore to the nearest Madras Police Station.

2. An early reply is requested.

Letter No. 7452-75, dated 24th June 1911, from D. Devaraj Urs, Esq., Inspector-General of Police in Mysore, to C. S. Balasundaram Iyer, Esq., B.A., Officiating Secretary to the Government of His Highness the Maharaja of Mysore, General and Revenue Departments.

Serial No. 4.

With reference to letter No. 3068—Pris. 49-10-3, dated 9th May 1911, calling for a report with reference to the procedure, which it is proposed by the Madras Government, to adopt in the case of prisoners belonging to the State

Government of India Resolution *re* the procedure to be adopted in connection with the release from British Jails of prisoners belonging to Native States who are released subject to Police surveillance.

and released from jails in their Presidency, I have the honor to State that there is no objection to the Mysore Police undertaking the surveillance of such convicts and furnishing information to the nearest Madras Police Station of their departure or disappearance from their residences and therefore the arrangement proposed by the Madras Government may be adopted.

Letter No. Pol. 78, dated 19th July 1911, from C. S. Balasundaram Iyer, Esq., B. A., Officiating Secretary to Government, General and Revenue Departments, to B. P. Warburton Esq., First Assistant to the Resident in Mysore, Bangalore.

Seral No. 5.

Referring to your letter No. 1744, dated the 21st March 1911, regarding the procedure to be adopted in the case of prisoners of Native States who are released from British Indian Jails subject to police surveillance, I am directed to state that the Durbar agree to the adoption of the procedure suggested by the Government of Madras in regard to prisoners belonging to the Mysore State and released from Jails in the Madras Presidency.

2. The Officer before whom prisoners despatched from Madras should be produced for release is the City Magistrate of Bangalore.

MEMO

No. J. 342, dated 24th July 1911.

Copy is forwarded to the District Magistrate of Bangalore for information, (with a copy of the letter from the Madras Government).

No. J. 343, dated 24th July 1911.

Copy to the Inspector-General of Police for information.